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Draft Order May Let CIA Resume Its Police Ties

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The Central Intelligence Agency, under a proposed administration order, apparently could resume many of its ties with local and state police agencies in addition to embarking on its own infiltrations of domestic organizations.

The proposed executive order, the third in a controversial series of drafts that started shortly after President Reagan took office, would wipe out current rules prohibiting U.S. intelligence agencies, other than the FBI, from participating in or funding "any law enforcement activity within the United States," unless expressly authorized by law.

Instead, the draft presidential directive would permit the CIA and all other agencies in the intelligence community to "render any other assistance and cooperation to law enforcement authorities not precluded by applicable law."

The changes are incorporated in a proposed 23-page executive order sent late last month to the Senate and House Intelligence committees, where it has stirred heated opposition from some members. A copy of the text was obtained by The Washington Post.

Unlike the first draft, widely repudiated as a "third-level working-staff paper" after it was leaked to the press last March, the current proposal reportedly has at least the tentative approval of high-level officials in the White House.

In many respects, it also is much less restrictive. The controversial first draft, for example, contained a proviso declaring that all measures employed to secure essential intelligence "should be conducted in a manner that respects established concepts of privacy and civil liberties."

That assurance has been elimi-

nated. In its place is a statement saying that the collection of such information "will be pursued in an aggressive, innovative and responsible manner . . . respectful of the principles upon which the United States was founded." It does not specify those principles.

"I was quite surprised to see it went as far as it did in loosening the restrictions on the CIA," Kenneth Bass, a former Carter administration official who oversaw intelligence policy at the Justice Department, said of the latest proposal.

"It is not at all consistent with the statements last March of officials who said the [Reagan] administration did not want authority for domestic spying for the CIA. This order gives it to them for the first time in history," he said.

Bass is in private law practice and retains his interest in intelligence law.

The new draft directive, dated Sept. 23, would replace current rules laid down in an executive order by President Carter in January, 1978, following disclosures of extensive domestic spywork and other abuses in the mid-1970s.

The CIA has been prohibited by law since its inception from assuming any "police, subpoena, law-enforcement powers or internal security functions," but many of the distinctions had never been drawn clearly.

Bass, for instance, said he did not think the CIA should be allowed to engage in domestic spying apart from the FBI, but he added that he does not view domestic intelligence gathering, in and of itself, as an internal security function.

"In 1947 [when the CIA was established], the thought was to have a barrier against a secret police force," Bass said. "I don't think domestic spying, which is not followed up by some governmental coercion, presents the same problem although, for me, it still undermines the integrity of the intelligence process and presents unnecessary risks to personal freedoms in the U.S."

The proposed new executive order, which also would authorize the CIA to conduct covert actions in this country, provides broad authority for the "collection of information needed by the president . . . special activities [covert actions] . . . and such other intelligence activities as the president may direct from time to time."

The only definition of "intelligence activities" contained in the order is a circular one. The proposed directive states at the end that "intelligence activities means all activities that agencies within the intelligence community are authorized to conduct pursuant to this order."

The word "intelligence," defined in the Carter executive order as limited to "foreign intelligence and counterintelligence" information, is not defined. As a result, some analysts believe, it could be read to include domestic intelligence as well.

According to the Rockefeller Commission, which investigated CIA domestic activities in 1975, the agency has had since its inception "a policy against providing assistance in the form of agency personnel to state and local law enforcement agencies for police-related activities."

The commission also reported, however, that there had been "some deviations from that general rule."

For instance, on at least three occasions—the 1969 presidential inauguration, the November, 1969, antiwar demonstrations and the 1971 May Day demonstrations—the CIA's Office of Security provided men and radio-equipped vehicles to the D.C. police department to help monitor crowds.

On several other occasions, the CIA provided gifts and gratuities, including use of a safe house in Miami for a vacationing police inspector, to state or local police officials "for their cooperative attitude towards CIA." The inspector, for example, had been "helpful to the agency in making personnel investigations and in other respects."